

Massachusetts Department of Correction
Luis S. Spencer, Commissioner
RECIDIVISM RATES 2007 RELEASE COHORT

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INTRODUCTION

Data presented in this research brief represents recidivism statistics and administrative data for 2,536 criminally sentenced inmates released to the street from a Massachusetts Department of Correction facility during calendar year 2007. Each release during the year is counted, making it possible for one inmate to be included multiple times. The Massachusetts Department of Correction (MADOC) defines a recidivist as any criminally sentenced inmate released to the street from a MADOC facility who is re-incarcerated in a Massachusetts state or county facility or to a federal facility for a criminal sentence within three years of their release to the street. The data presented includes information on offender demographics, governing offense, release type, and sentence information.

METHODOLOGY

Information for this brief was gathered from the Massachusetts Department of Correction Inmate Management System (IMS), and the Massachusetts Board of Probation (BOP). The criminal activity of inmates released to the street during 2007 was tracked through the Massachusetts Criminal Justice Information System (CJIS) to determine any re-incarceration within three years of the inmates release to the street. An inmate can be re-incarcerated in one of the following ways: technical violation of parole, violation of parole with a new offense, new court commitment to a Massachusetts county facility, new court commitment to a Massachusetts state facility, new court commitment to a federal facility, technical violation of probation, or probation violation with new offense. Chi-Square tests were used to determine significance in the differences in recidivism rates for the variables reported.

OVERVIEW OF 2007 RELEASE TO THE STREET POPULATION

Demographics

- Of the 2,536 released inmates, 1,613 (64%) were male and 923 (36%) were female.
- Thirty-six percent of the inmates were paroled to the street (n = 907), while 1,629 (64%) were released via expiration of sentence.
- The majority of the inmates were Caucasian (n = 1,363) followed by African American/Black (n = 637) and Hispanic (n= 506). The remaining releases reported races of Asian, Native American/Alaskan Native, and Other (n= 30).
- The mean age *at time of incarceration* for this cohort of inmates was 32.4 years.
- Female inmates were slightly older than males *at time of incarceration*, 33.5 years and 31.7 years, respectively.
- The mean age of inmates *at time of release* was 35.1 years.
- Male inmates were older than females *at time of release*, 35.8 years of age and 34 years of age, respectively, due to males generally having longer prison sentences.

Offense Data

- Forty-four percent of the male inmates were serving a governing Person offense, followed by Drug offense (31%), Property offense (11%), Sex offense (8%), and ‘Other offense’ (7%).
- Thirty-one percent of the female releases were serving a governing ‘Other’ offense, followed by Property offense (25%), Drug offenses (27%), and Person offense (16%). Less than one percent of the females were serving a governing sex offense.
- Forty-five percent of governing drug offenses carried a mandatory minimum term; 61% of the male governing drug offenses, and 14% of the female governing drug offenses had a mandatory minimum.

Sentencing Data

- The average length of incarceration¹ for all releases was 32.9 months.
- The average length of incarceration for males was 48 months, compared to 6.5 months for females. This number differs significantly because of the amount of females that serve a county sentence within the Massachusetts Department of Correction.
- The majority of the males (66%) were released from a higher security facility; 56% from a medium security facility and 10% from a maximum security facility. The remaining 34% of the males were released from a lower security facility (minimum or pre-release).
- The majority of the females were released from a medium security facility (69%), while 31% were released from a lower security facility.

Technical Violations Discussion²

A recidivist is defined as any criminally sentenced inmate released to the street from a DOC facility during 2007 who is re-incarcerated for a new sentence or violation of parole or probation to a Massachusetts State or County facility or to a Federal facility within three years of his/her release. Types of re-incarceration include technical violation of parole, parole violation with a new offense, return to county custody, return to state or federal custody, technical violation of probation, and probation violation with a new offense. An inmate, who is re-incarcerated due to a technical violation of parole or probation, is re-incarcerated for violating the terms of the conditions set forth regarding their release in the community, not for committing a new offense. A non-technical return would include a parole or probation violation with a new offense, or a new court commitment to a facility. When reporting on the recidivism rates for offenders released on parole, it is important to note that a portion of the paroled offenders re-incarcerated within the three-year period are no longer under parole supervision at the time they recidivate.

Tables 1 and 2 provide a comparison of the recidivism rates of inmates released during 2007, including and excluding re-incarcerations for technical violations. In order to calculate the recidivism rate excluding technical violations of parole or probation, the inmate’s first non-technical re-incarceration within three years of their release was used. Please note inmates who

¹ Length of Incarceration is defined as the number of days between the inmate’s most recent incarceration which represents a new court commitment including county inmates sentenced from the court to serve a county sentence, parole violation, and probation violation on their current incarceration and their release to the street, which may be different than their entire “time served.”

² Inmates released on parole are supervised in the community upon release and can be re-incarcerated for violating the terms of their supervision while still on parole.

were returned for a technical violation were incarcerated for a period of time during the three-year follow up period, diminishing the likelihood of a non-technical return.

Table 1:

Three-Year Recidivism Rates Including and Excluding Re-incarcerations for Technical Violations by Type of Release and Gender

| Recidivism Rates by Release Type and Gender - Excluding Technical Violations of Parole or Probation | | | | | | | | | |
|--|-----------------|------------|------------|-----------------|------------|------------|-----------------|--------------|------------|
| | Males | | | Females | | | Total | | |
| Release Type | Number Releases | Rec | Rate | Number Releases | Rec | Rate | Number Releases | Rec | Rate |
| Parole To Street | 583 | 178 | 31% | 324 | 98 | 30% | 907 | 276 | 30% |
| Expiration of Sentence | 1,030 | 406 | 39% | 599 | 211 | 35% | 1,629 | 617 | 38% |
| Total Releases | 1,613 | 584 | 36% | 923 | 309 | 33% | 2,536 | 893 | 35% |
| Recidivism Rates by Release Type and Gender - Including Technical Violations of Parole or Probation | | | | | | | | | |
| | Males | | | Females | | | Total | | |
| Release Type | Number Releases | Rec | Rate | Number Releases | Rec | Rate | Number Releases | Rec | Rate |
| Parole To Street | 583 | 299 | 51% | 324 | 149 | 46% | 907 | 448 | 49% |
| Expiration of Sentence | 1,030 | 408 | 40% | 599 | 223 | 37% | 1,629 | 631 | 39% |
| Total Releases | 1,613 | 707 | 44% | 923 | 372 | 40% | 2,536 | 1,079 | 43% |

Offenders released to the street with parole conditions are supervised for a period of time while in the community. Paroled offenders who do not adhere to the conditions of their release can be violated and re-incarcerated. A parole revocation can result from technical violation of the terms of release, or can result from the commission of a crime. By virtue of being under supervision in the community an offender may have a higher likelihood of re-incarceration.

- Of the 2,536 inmates released to the street during 2007, 907 (36%) were paroled to the street, while 1,629 (64%) were released via Expiration of Sentence. Inmates paroled to the street had a significantly³ higher recidivism rate (49%) than the recidivism rate of inmates released Expiration of Sentence (39%). Again, the higher rate for paroled offenders suggests the role of supervision to prevent future criminality, with a large portion of re-incarcerations occurring as a result of a technical violation of parole conditions.
- Of the 1,079 inmates who were a recidivist using the definition including technical violations, 251 were re-incarcerated for a technical parole or probation violation. Two hundred and twenty-eight (n=228) were technical parole violations and 23 were technical violations of probation.
- Of the 251 inmates who returned for a technical violation, 65 of them had another return within the three-year period that was used when determining the recidivism rate excluding technical violations.

³ Pearson's Chi-Square test was used to determine statistical significance ($p \leq 0.05$).



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- Overall, the recidivism rate decreased by 8 percentage points, from 43% to 35% when excluding technical violations, with paroles to the street experiencing the largest decrease, from 49% to 30%. The recidivism rate for female inmates decreased from a rate of 40% to a rate of 33%. The male recidivism rate, decreased from 44% to 36% when excluding technical violations.

Recidivism Rates Including and Excluding Re-incarcerations for Technical Violations by Year of Re-incarceration and Gender

Table 2:

| Three Year Re-incarceration Recidivism Rates <u>Excluding</u> Technical Violations | | | | | | | | | |
|---|--------------------|-----------------|------------|-----------------|------------|-----------------|-----------|--------------|------------|
| | | 1st Year | | 2nd Year | | 3rd Year | | Total | |
| Gender | Number of Releases | Rec | Rate | Rec | Rate | Rec | Rate | Rec | Rate |
| Female | 923 | 170 | 18% | 100 | 11% | 39 | 4% | 309 | 33% |
| Male | 1,613 | 260 | 16% | 224 | 14% | 100 | 6% | 584 | 36% |
| Total | 2,536 | 430 | 17% | 324 | 13% | 139 | 5% | 893 | 35% |
| Three Year Re-incarceration Recidivism Rates <u>Including</u> Technical Violations | | | | | | | | | |
| | | 1st Year | | 2nd Year | | 3rd Year | | Total | |
| Gender | Number of Releases | Rec | Rate | Rec | Rate | Rec | Rate | Rec | Rate |
| Female | 923 | 250 | 27% | 89 | 10% | 33 | 4% | 372 | 40% |
| Male | 1,613 | 383 | 24% | 236 | 15% | 88 | 5% | 707 | 44% |
| Total | 2,536 | 633 | 25% | 325 | 13% | 121 | 5% | 1,079 | 43% |

- The majority of technical violations occurred within the first year of release. When excluding technical violators in the first year, the recidivism rate was 17%, when technical violations were included, the first year recidivism rate increased to 25%. For the second and third years in the follow-up period, there was no difference in the total recidivism rate, and only slight differences by gender.

Release Statistics

Table 3: **Three-Year Recidivism Rates by Post Release Supervision**

| | Males | | Females | | Total | |
|---------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Supervision Type | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate |
| Parole Only | 368 | 52% | 221 | 47% | 589 | 50% |
| Probation Only | 462 | 45% | 190 | 38% | 652 | 43% |
| Both Parole and Probation | 215 | 50% | 103 | 44% | 318 | 48% |
| No Supervision | 568 | 35% | 409 | 37% | 977 | 36% |
| Total | 1,613 | 44% | 923 | 40% | 2,536 | 43% |

- Of the 2,536 inmates being released to the street, those being released with parole supervision only had the highest recidivism rate (50%) and those being released with no supervision had the lowest recidivism rate (36%).
- Males released on parole supervision had the highest recidivism rate (52%), whereas males being released with no supervision had the lowest recidivism rate (35%).
- For female releases, those being released on parole supervision had the highest recidivism rate (47%) and those being released with no supervision had the lowest recidivism rate (37%).

Table 4: **Three-Year Recidivism Rates by First Release and Gender**

| | Males | | Females | | Total | |
|------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| First Release | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate |
| Multiple Release | 166 | 49% | 48 | 48% | 214 | 49% |
| First Release | 1,447 | 43% | 875 | 40% | 2,322 | 42% |
| Total Releases | 1,613 | 44% | 923 | 40% | 2,536 | 43% |

- A number of inmates who were released during 2007 had been committed to the MADOC for a violation of parole or probation, making the release from their current sentence not their first.
- There was a significant difference in the recidivism rate for offenders with a prior release on their current sentence (49%) compared to offender who's current release was their first on there sentence (42%), indicating offenders with a prior violation on their current sentence were more likely to be re-incarcerated.

Table 5: Three-Year Recidivism Rates by Security Level of Releasing Institution and Gender

| Security Level | Males | | Females | | Total | |
|----------------|-----------------|-----------------|-------------------|-----------------|-----------------|-----------------|
| | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate |
| Maximum | 158 | 62% | n.a. ⁴ | n.a | 158 | 62% |
| Medium | 904 | 47% | 639 | 42% | 1,543 | 45% |
| Lower | 551 | 34% | 284 | 36% | 835 | 34% |
| Total | 1,613 | 44% | 923 | 40% | 2,536 | 43% |

- Recidivism rates for inmates released during 2007 were positively correlated with the security level of the inmates releasing facility. The recidivism rate for male inmates increased as the security level of the releasing institution increased.
- Male inmates release from lower⁵ security had the lowest recidivism rate, with 34% of those inmates re-incarcerated within three-years of their release to the street.
- The recidivism rate for males released from medium security was 47%, while the rate for males released from maximum security was 62%, the highest of all security levels designations. The 62% recidivism rate reported for releases from maximum security is the highest rate reported since three-year reporting began with the 1995 release cohort.
- The recidivism rate for female inmates released from a lower security facility was 36%, whereas females who were released from a medium security facility had a recidivism rate of 42%.
- For both male and female releases the difference in recidivism rates for security level was found to be statistically significant.

Table 6: Three-Year Recidivism for Females by Sentencing Type⁶

| Three Year Recidivism Rate Female 2007 Releases to the Street by Sentence Type | | |
|--|-----------------|-----------------|
| Sentence Type | Number Releases | Recidivism Rate |
| State Sentence | 77 | 30% |
| County Sentence | 846 | 41% |
| Total | 923 | 40% |

Female offenders sentenced from the court to serve a county sentence often serve that sentence in a state correctional facility due to limited bed space at the county level. County sentenced females comprised 94% of the criminally sentenced female releases included in the 2007 recidivism cohort. County sentenced females differ from state sentenced females in a number of ways that could attribute to a higher recidivism rate for these offenders. The county female offenders in this cohort were less likely than state sentenced females to transition to a lower security facility prior to release, with 28% of county sentenced females and 55% of state sentenced females released from a minimum or pre-release facility. The governing offense

⁴ There is no maximum security facility for female offenders in the MADOC.

⁵ Lower security includes minimum, minimum pre-release, state pre-release, and contract pre-release facilities.

⁶ Due to the minimal number of county correctional facilities that house female offenders, many females released during 2007 who received a county sentence from the court served that sentence at the MADOC.

category for these two groups also differs, with 27% of the county sentence female offenders incarcerated for a governing property offense, compared to 9% of the state sentenced female offenders. Property offenders are often found to have higher recidivism rates than offenders sentenced for other offense categories. County sentenced offenders were also older than state sentenced offenders at incarceration, but younger than state sentenced offenders at release. This is due to the disparity in sentence lengths between state sentenced and county sentenced offenders, with state sentenced offenders receiving more severe sentencing for more serious offenses. The average length of incarceration for county sentenced female offenders in this cohort was 4.4 months, compared to 30.3 months for state sentenced female offenders. Age of offenders is also associated with recidivism rates with younger offenders often recidivating at a higher rate than older offenders.

- Female inmates releasing from a county sentence have a significantly higher recidivism rate (41%) than those releasing from a state sentence (30%).

Demographic Statistics

Table 7: **Three-Year Recidivism Rates by Race/Ethnicity and Gender⁷**

| | Males | | Females | | Total | |
|--------------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| Race/Ethnicity | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate |
| African American/Black | 499 | 49% | 138 | 41% | 637 | 47% |
| Caucasian | 684 | 43% | 679 | 40% | 1,363 | 42% |
| Hispanic | 411 | 40% | 95 | 43% | 506 | 41% |
| Native American/Alaskan Native | 10 | n.a. | 1 | n.a. | 11 | n.a. |
| Asian | 7 | n.a. | 2 | n.a. | 9 | n.a. |
| Other | 2 | n.a. | 8 | n.a. | 10 | n.a. |
| Total | 1,613 | 44% | 923 | 40% | 2,536 | 43% |

- Within three years of their release to the street, male inmates who reported a race of African American/Black had a recidivism rate of 49%, followed by Caucasian male inmates who recidivated at a rate of 43%. Hispanic males had the lowest recidivism rate, with 40% re-incarcerated within three years of their release.
- Of the 923 female releases, Hispanic inmates had the highest recidivism rate (43%), followed by African American/Black inmates (41%), and Caucasian inmates (40%).

⁷ For releases where the numeric value was less than 20, recidivism rates were not reported in the table.

Table 8: **Three-Year Recidivism Rates by Age at Release and Gender⁸**

| Age | Male | | Female | | Total | |
|-------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate |
| 17 - 24 | 178 | 54% | 170 | 39% | 348 | 47% |
| 25 - 29 | 374 | 43% | 172 | 46% | 546 | 44% |
| 30 - 34 | 288 | 45% | 136 | 49% | 424 | 46% |
| 35 - 39 | 233 | 50% | 158 | 41% | 391 | 46% |
| 40 - 44 | 209 | 48% | 145 | 39% | 354 | 44% |
| 45 - 49 | 166 | 40% | 94 | 34% | 260 | 38% |
| 50 - 54 | 90 | 27% | 37 | 19% | 127 | 24% |
| 55 - 59 | 38 | 13% | 7 | n.a. | 45 | 16% |
| 60 or older | 37 | 16% | 4 | n.a. | 41 | 15% |
| Total | 1,613 | 44% | 923 | 40% | 2,536 | 43% |

- The age of inmates at time of release from the MADOC ranged from 17 years to 78 years. Recidivism rates of the inmates released during 2007 by age at release were statistically significant.
- Male inmates between 17-34 years at time of release had a recidivism rate of 46%, while 41% of males between 35-78 years of age at release recidivated within three years of their release to the street.
- The disparity in recidivism rates for male offenders by age is most apparent when comparing the youngest and oldest offenders. Male offenders younger than 25 years of age at release had a recidivism rate of 54%, while the recidivism rate for male offenders age 50 or older was less than half the rate for the youngest offenders (20%).
- Female releases between 17-34 years of age had a recidivism rate of 44%, compared to a rate of 36% for females 35 years of age or older.
- These findings remain consistent with research that older inmates are less likely to recidivate.

Offense Statistics

Table 9: **Three-Year Recidivism Rates by Offense Category and Gender**

| Offense Category | Males | | Females | | Total | |
|------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate |
| Property | 175 | 61% | 232 | 44% | 407 | 51% |
| Person | 708 | 47% | 147 | 39% | 855 | 46% |
| Other | 113 | 42% | 288 | 43% | 401 | 43% |
| Drug | 494 | 37% | 248 | 34% | 742 | 36% |
| Sex | 123 | 27% | 8 | n.a. | 131 | 28% |
| Total | 1,613 | 44% | 923 | 40% | 2,536 | 43% |

- Property offenders had the highest recidivism rate of all offense types for both male and female releases.

⁸ For releases where the numeric value was less than 20, recidivism rates were not reported in the table.

- The recidivism rate for male Property offenders was 61%, followed by Person offenders who recidivated at a rate of 47%.
- The recidivism rate for female Property offenders was 44%, followed by females in the 'Other' offense category, with a recidivism rate of 43%.
- The difference in recidivists and non-recidivists groups was found to be significant when broken out by offense type for males and for the total release cohort.

Table 10: **Three-Year Recidivism Rates by Violent Offense and Gender**

| | Males | | Females | | Total | |
|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Offense Type | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate |
| Violent | 831 | 44% | 155 | 40% | 986 | 44% |
| Non-Violent | 782 | 43% | 768 | 40% | 1,550 | 42% |
| Total | 1,613 | 44% | 923 | 40% | 2,536 | 43% |

- Non-violent offenders released during 2007 had a recidivism rate of 42% compared to a rate of 44% for violent offenders.

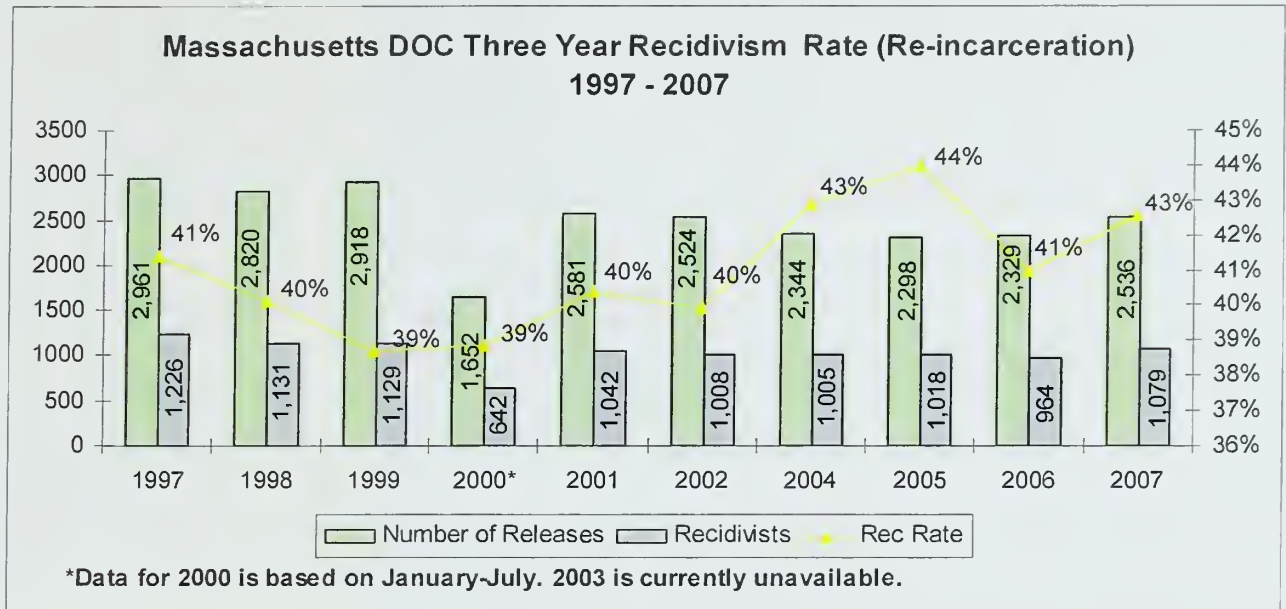
Table 11: **Three-Year Recidivism Rates for Mandatory Drug Offenders and Gender**

| | Males | | Females | | Total | |
|----------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Drug Offense Type | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate | Number Releases | Recidivism Rate |
| Non-Mandatory Drug Offense | 195 | 42% | 214 | 36% | 409 | 38% |
| Mandatory Drug Offense | 299 | 34% | 34 | 24% | 333 | 33% |
| Total | 494 | 37% | 248 | 34% | 742 | 36% |

- Of the 742 inmates who were serving a governing drug offense at the time of their release, 45% were serving a mandatory drug sentence (n = 333).
- Mandatory drug offenders had a recidivism rate that was significantly lower than the rate of non-mandatory drug offenders, recidivating at a rate of 33%, compared to a recidivism rate of 38% for non-mandatory drug offenders.
- The average time served on their current incarceration for drug offenders was 29.7 months. The non-mandatory drug offenders on average were incarcerated for 16.8 months, compared to mandatory drug offenders who were incarcerated on average for 45.6 months.

Figure 1:

Recidivism Trends 1997-2007



- The trend in recidivism rates experienced between 1997 and 2002 hovered around 40% before increasing in 2004 to 43% and again in 2005 to 44%. The recidivism rate for the 2006 release cohort decreased to 41%, mirroring more closely the rates experienced prior to the increase beginning with the 2004 releases. The recidivism rate for the 2007 release cohort was 43%.

| Definitions | |
|--|--|
| County Sentence | <p>Prior to the “Truth in Sentencing” law, if an offender is sentenced to the House of Correction, the term shall be two and a half years or less. Parole eligibility and discharge are based on the maximum term of a sentence.</p> <p>Under the “new” law (passed in 1994), discharge on this sentence will change because of the elimination of statutory good time. There is no change in the parole eligibility date.</p> |
| First Release | Inmates who have not been previously released to the street from their current commitment number. |
| Governing Offense | The governing offense is the offense associated with the longest maximum release date. |
| Length of Incarceration/time served | Length of incarceration represents the number of days between the inmate’s most recent incarceration which represents a new court commitment including county inmates sentenced from the court to serve a county sentence, parole violation, and probation violation on their current incarceration and their release to the street. |
| Lower Security | Lower security includes minimum, minimum pre-release, state pre-release, and contract pre-release facilities. |
| Mandatory Drug Offenders | Inmates serving a governing drug sentence that carries a mandatory minimum term. |
| Offense category | Offense categories include Person, Property, Sex, Drug, and Other and Offense category represents the inmates governing offense. |
| Race | The race categories self reported and used in this report include: Caucasian, African American/Black, Asian, Hawaiian-Pacific Islander, and American Indian-Alaska Native. Inmates who report a Hispanic ethnicity are reported as Hispanic in the race categories. |
| Recidivism Rate | Number of inmates re-incarcerated within three years of their release to the street divided by the number of inmates released. |
| State Prison Sentence | <p>Prior to the “Truth in Sentencing” law, if an offender is sentenced to the State Prison, except for life or as a habitual criminal, the court shall not fix the term of imprisonment, but shall fix a maximum and minimum term for which he/she may be imprisoned. The minimum term shall not be less than two and a half years. All sentences that have a finite maximum term are eligible to have the term reduced by statutory good time, except for most sex offenses, crimes committed while confined and certain “mandatory” sentences.</p> <p>In the “new law”, all state sentences have a minimum and a maximum term, unless an inmate is sentenced for life or as a habitual criminal. The minimum term is used to determine parole eligibility, and the maximum term is used to determine discharge.</p> <p>Under both the “old” and “new” sentencing systems, an inmate is discharged from his/her sentence at the expiration of his term, less any statutory or earned good time. Under the “new” system none of the reduction will be attributable to statutory good time.</p> |
| Violent/Non-violent Offense | Person and Sex offenses are combined into the category ‘Violent Offenses’. Property, Drug, and ‘Other’ offenses are categorized into ‘Non-violent’ offenses. |

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